

REMARKS

Entry of this Amendment, reconsideration and withdrawal of all grounds of rejection in the Final Office Action, and allowance of all the pending claims in this application are respectfully requested in light of the above amendments and the following remarks. Claims 1 and 4-12, as shown above, remaining pending herein. Claim 12 has been added herein, support for which can be found at least at page 6, lines 27-32.

(1) Claims 1 and 4-11 stand rejected under 35 U.S.C. §102(b) over Oh et al. (U.S. 5,646,699, hereafter "Oh"). Applicants respectfully traverse this ground of rejection.

Applicants respectfully submit that it is alleged in the Office Action that "Oh discloses in col. 3, lines 5-7 that the television control key portion 28 includes a channel up/down key, a volume up/down key, a menu key... ." It is further alleged that the volume up/down anticipates Applicants' recitation in claim 1 that the control and switch means "(3) set the receiver to a predetermined volume."

Applicants respectfully submit that one of the advantages of the present invention is that a user *does not* have to adjust the volume of the speakers of the television set separately from the volume of the surround sound speakers connected to the receiver when switching to surround sound. In the present invention, the switching and control means 28 sets the "overall volume control for the TV as speaker (including muting) is through signal level setting by gain control G_R 63 in the receiver 38 along with the setting for the other speakers 42, 44, 46 in the surround set up." In other words, the control and switching means 28 automatically sets the volume of the centre speaker and left and right speakers of the television set to a predetermined volume.

Accordingly, Applicants have amended claim 1 to recite in part that the control and switching means "(3) automatically sets the receiver to provide a predetermined volume for the one or more speakers."

Applicants respectfully submit that this function of the control and switching means 28 is not disclosed or suggested by a standard volume control having an up/down key, as disclosed by Oh.

Therefore, it is respectfully submitted that all of the pending claims are believed to be allowable at least for their dependency on base claim 1, as well as for separate reasons for patentability. For example, new claim 12 recites that the predetermined volume of the one or more speakers (76, 78, 80) and the external speakers connected to the audio receiver 38 is substantially equal.

Finally, it is respectfully submitted that with regard to rejections under 35 U.S.C. §102(b), the MPEP refers to the holding of the Court of Appeals in *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), which held that:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

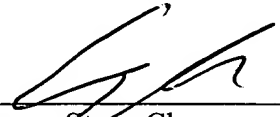
Applicants also respectfully submit that none of the instant claims would have been obvious to a person of ordinary skill in the art at the time of the invention in view of Oh. Oh provides no disclosure, suggestion, or provides motivation to an artisan such that any of the instant claims would have been obvious at the time of invention. Reconsideration and withdrawal of all grounds of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: January 12, 2004


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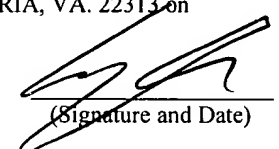
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